

AO 91 (Rev 8/01) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## United States District Court

APR 18 2019

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Luis Fernando Gaona-Gaytan

Case Number: M-19-0002-M

IAE YOB: 1981  
Mexico

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about April 17, 2019 in Hidalgo County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to Mexico in pursuance of law, and thereafter was found near Mission, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Luis Fernando Gaona-Gaytan was encountered by Border Patrol Agents near Mission, Texas on April 17, 2019. The investigating agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on April 17, 2019, near Hidalgo, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States on March 01, 2019 through Brownsville, Texas. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On December 10, 2018, the defendant was convicted of Criminal Attempt to Possess Cocaine With Intent to Manufacture/Sell and sentenced to three (3) years confinement.

Continued on the attached sheet and made a part of this complaint:

☐ Yes ☒ No

Sworn to before me and subscribed in my presence,

April 18, 20192:43 PM

Peter E. Ormsby, U.S. Magistrate Judge  
Name and Title of Judicial Officer

Signature of Complainant

Mickel Gonzalez

Senior Patrol Agent

Signature of Judicial Officer